

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**United States of America and State of New
York, ex rel. Patrick Donohue,**

Plaintiff,

-against-

**Richard Carranza, in his official capacity as
the former Chancellor of New York City
Department of Education, et al.,**

Defendants.

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 10/19/2022**

1:20-cv-05396 (GHW) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference with the parties today, and as stated on the record, it is hereby ORDERED as follows:

1. No later than October 25, 2022, Wake County Public School District and Cathy Quiroz Moore (collectively, the “Wake County Defendants”) shall re-file their motion to dismiss the Second Amended Complaint filed at ECF No. 167, since the Clerk of Court found their filing deficient for the reasons stated in the corresponding 7/11/22 ECF docket entry. Plaintiff-Relator need not re-file his opposition to such motion (which is incorporated in ECF No. 179) and the Wake County Defendants need not re-file their reply memorandum, which is filed at ECF No. 189.
2. Plaintiff-Relator shall meet and confer with the Wake County Defendants and, no later than October 25, 2022, file a letter to the ECF docket advising the Court whether he contends that his Second Amended Complaint (ECF No. 19) pleads state-law claims

against the Wake County Defendants and, if so, noting the page and paragraph numbers in the Second Amended Complaint where such claims are plead.¹

3. No later than October 25, 2022, Plaintiff-Relator shall file a letter to the ECF docket advising the Court whether he contends that his Second Amended Complaint (ECF No. 19) pleads state-law claims against Defendants Massachusetts Department of Education (“MDEC”) and Jeffrey Riley (“Riley”) and, if so, noting the page and paragraph number in the Second Amended Complaint where such claims are plead.²
4. Plaintiff-Relator shall meet and confer with Defendants Los Angeles Unified School District, Austin Beutner, San Diego Unified School District, Dr. Lamont Jackson and Cindy Marten (collectively, the “California Defendants”), and, no later than November 1, 2022, file to the ECF docket an appropriate document dismissing all claims against the California Defendants.
5. Plaintiff-Relator shall meet and confer with Defendants New York City Department of Education, Richard Carranza, Meisha Porter, Buffalo Public School District and Kriner Cash (collectively, the “New York Defendants”), and, no later than November 1, 2022, file to the ECF docket an appropriate document dismissing all state-law and city-law claims against the New York Defendants.

¹ Based upon the Court’s review of the Second Amended Complaint, while Plaintiff-Relator appears to cite to North Carolina statutes in paragraph 234 (*see* ECF No. 19 at p. 64), no claims are asserted under North Carolina law in any of the seventeen claims pled. (*See id.* at pp. 72-84.)

² Plaintiff-Relator’s Eleventh Claim for violation of Massachusetts General Laws is only plead against “Defendant SKIPPER, and SOMERVILLE PUBLIC SCHOOL DISTRICT, collectively.” (*See* ECF No. 19 at p. 79.)

6. No later than November 1, 2022, Plaintiff-Relator shall file to the ECF docket an appropriate document dismissing all state-law claims against Defendants Niagara Falls Public School District and Mark Laurrie (collectively, the “Niagara Falls Defendants”).
7. If the Defendants who have not yet appeared in this action, specifically the MDEC, Riley, the Niagara Falls Defendants, Camden City Public School District and Katrina McCombs (collectively, the “Non-Appearing Defendants”), have been served, then, no later than November 1, 2022, Plaintiff-Relator shall seek certificates of default against the Non-Appearing Defendants from the Clerk of Court.
8. If the Non-Appearing Defendants have not been served, or if the Clerk of Court declines to issue a certificate of default against any of these parties due to defective service,³ then no later than November 1, 2022, Plaintiff-Relator shall show cause why his Second Amended Complaint as against the Non-Appearing Defendants should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for failure to timely serve the Non-Appearing Defendants.
9. Extensions of any of the foregoing deadlines shall be granted for good cause shown.

SO ORDERED.

³ The Court notes, for example, that the “Acknowledgment[s] of Service” filed for the MDEC and Riley are merely mail delivery receipts from the United States Postal Service. (See ECF Nos. 58 & 59.)

Dated: New York, New York
October 19, 2022

A handwritten signature in black ink, reading "Stewart D. Aaron", is positioned above a horizontal line.

STEWART D. AARON
United States Magistrate Judge